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14 OMNI PACIFIC COMPANY, INC.



UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

19 OMNI PACIFIC COMPANY, INC.,
20 Plaintiff,
21 v.
22 OMNIBRANDS, INC.,
23 Defendant

Case No. C 04-1445 JW HRL

**STIPULATION TO CHANGE PRE-TRIAL
CONFERENCE DATE AND [PROPOSED]
ORDER**

1 WHEREAS the Court conducted a case management conference in this case on January
2 10, 2005;

3 WHEREAS the Court's Scheduling Order entered on January 11, 2005 provides that the
4 Preliminary Pretrial and Trial Setting Conference in this case shall be held on November 21, 2005;

5 WHEREAS after the case management conference, Mr. Jeffrey M. Hamerling, lead co-
6 counsel for Defendant OMNIBRANDS, INC. ("OMNIBRANDS"), learned that his family's
7 closest friend's son would be married in New York on the evening of November 20, 2005;

8 WHEREAS co-counsel for OMNIBRANDS, INC., Ms. Rachel Matteo-Boehm, will be on
9 maternity leave in November following the birth of her child, due in mid-September;

10 WHEREAS given the unanticipated scheduling conflicts, OMNIBRANDS seeks to move
11 the date of the Preliminary Pretrial and Trial Setting Conference; and

12 WHEREAS counsel for OMNIBRANDS has conferred with counsel for OMNI PACIFIC
13 COMPANY, INC. ("OMNI PACIFIC"), and OMNI PACIFIC counsel would agree to a change in
14 the date of the Preliminary Pretrial and Trial Setting Conference as long as it is held within two
15 weeks of November 21, 2005; Therefore:

16 Defendant OMNIBRANDS and Plaintiff OMNI PACIFIC hereby stipulate as follows:

17 OMNIBRANDS and OMNIPACIFIC hereby request that the Court modify the Scheduling
18 Order such that the Preliminary Pretrial and Trial Setting Conference is scheduled for a date
19 within two weeks of November 21, 2005 but no later than December 5, 2005, depending on the
20 Court's schedule.

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1 SO STIPULATED.

2 Dated: July 26, 2005
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DLA PIPER RUDNICK GRAY CARY US LLP

4 By: _____

5 Jeffrey M. Hamerling
6 Rachel E. Matteo-Boehm
7 Attorneys for Defendant
8 OMNIBRANDS, INC.

9 Dated: July ___, 2005

10 THELEN REID & PRIEST LLP

11 By: _____

12 Robert A. Weikert
13 Attorneys for Plaintiff
14 OMNI PACIFIC COMPANY, INC.

15 IT IS SO ORDERED. The Preliminary Pretrial and Trial Setting Conference in this case shall be
16 held on _____, 2005 at _____ a.m.

17 Dated: _____, 2005

18 By: _____

19 Hon. James Ware
20 United States District Court Judge

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1 SO STIPULATED.

2 Dated: July 26, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

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5 By: _____

6 Jeffrey M. Hamerling
7 Rachel E. Matteo-Boehm
8 Attorneys for Defendant
9 OMNIBRANDS, INC.

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Dated: July 29, 2005

10 THELEN REID & PRIEST LLP

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12 By: _____

13 Robert A. Weikert
14 Attorneys for Plaintiff
15 OMNI PACIFIC COMPANY, INC.

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17 IT IS SO ORDERED. The Preliminary Pretrial and Trial Setting Conference in this case shall be
18 held on MON.DEC. 05, 2005 at 11:00 a.m.

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Dated: Aug. 2, 2005

21 By: /s/ James Ware

22 Hon. James Ware
23 United States District Court Judge

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